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Mr. Gallinger presented the following

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THE POLITICAL DEVELOPMENT OF THE DISTRICT OF COLUMBIA.[a]

[By Henry E. Davis.]

The District of Columbia is unique among the social communities of the world. The political center of a people which threw into the sea the tea which must bear a tax in the levying of which that people had no voice; the capital of a nation born of the declaration that taxation without representation sounds a note having no place in the harmony of freedom; the very ultimate product of the spirit which produced among the powers of the earth the one which proclaimed as its reason to be that all governments derive their just powers from the consent of the governed, it yet is bearing without murmur taxes the levying of which it can not affect in the slightest degree, and has no effective voice in the making of the laws by which it is governed. Nevertheless, the District of Columbia is the best governed community of its day and generation.

The reason of this presents the most interesting question possible to the student of sociology, and makes that question the most difficult possible of apprehension by the superficial observer; a question not softened in its difficulties by the fact that the District has come to be what it is in the face of executive and judicial notice of its anomaly in the early days of its history. In his second annual message to Congress in 1818, President Monroe spoke as follows:

> The situation of this District, it is thought, requires the attention of Congress. By the Constitution the power of legislation is exclusively vested in the Congress of the United States. In the exercise of this power, in which the people have no participation, Congress legislates in all cases directly on the local concerns of the District. As this is a departure, for a special purpose, from the general principles of our system, it may merit consideration whether an arrangement better adapted to the principles of our Government and to the particular interests of the people may not be devised which will neither infringe the Constitution nor affect the object which the provision in question was intended to secure.

[a] Read before the Washington Academy of Sciences, April 29, 1899.

And in 1820, in the case of Loughborough *v.* Blake (5 Wheat., 317, 323–325), the Supreme Court of the United States, which had been appealed to to declare, in effect, that the government of the District of Columbia, in that it involved taxation without representation, was contrary to the spirit of our institutions, disposed of the matter in these words:

> If, then, the language of the Constitution be construed to comprehend the Territories and District of Columbia as well as the States, that language confers on Congress the power of taxing the District and Territories as well as the States. If the general language of the Constitution should be confined to the States, still the sixteenth paragraph of the eighth section [of Article I] gives to Congress the power of exercising "exclusive legislation in all cases whatsoever within this District."

On the extent of these terms, according to the common understanding of mankind, there can be no difference of opinion; but it is contended that they must be limited by that great principle which was asserted in our Revolution, that representation is inseparable from taxation.

> The difference between requiring a continent, with an immense population, to submit to be taxed by a Government having no common interest with it, separated from it by a vast ocean, restrained by no principle of appointment and associated with it by no common feelings, and permitting the representatives of the American people, under the restrictions of our Constitution, to tax a part of the society, which is either in a state of infancy advancing to manhood, looking forward to complete equality so soon as that state of manhood shall be attained, as is the case with the Territories, or which has voluntarily relinquished the right of representation and has adopted the whole body of Congress for its legitimate government, as is the case with the District, is too obvious not to present itself to the minds of all. Although in theory it might be more congenial to the spirit of our institutions to admit a representative from the District, it may be doubted whether, in fact, its interests would be rendered thereby the more secure; and certainly the Constitution does not consider its want of a representative in Congress as exempting it from equal taxation.

It is thus seen that the American people have not allowed their capital to become what it is in ignorance of what was happening; and it is my pleasant task to review to-day the steps by which the result which you see about you came to be.

As is well known, the establishment of the District as a political entity came about through events which, for want of a more philosophical expression, or rather, in the absence of reflection, we denominate fortuitous, but which, in their analysis and results are entitled to be deemed truly providential. Superficially speaking, and judged by the act at the time, by way of composing certain controversies, which now interest us historically only, the territory contributed originally by Maryland and Virginia was chosen as the site of the federal capital; and by way of avoiding the possibility of disturbances such as beset the national authorities when domiciled in Philadelphia, there was written into the eighth article of the Federal Constitution that supremely wise provision that "the Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States."

As is equally well known, this territory, originally ceded by Maryland and Virginia, in fact comprised 10 miles square, or 100 square miles in all. The legislative acts of Maryland and Virginia providing for the cession were passed respectively December 23, 1788, and December 3, 1789, and the first act of Congress on the subject was

approved July 16, 1790, an amendment thereof being approved March 3, 1791. The earlier act of Congress, that of 1790, accepted for the permanent seat of the Government of the United States a district of territory not exceeding 10 miles square, to be located on the river Potomac between the mouths of the Eastern Branch and Conogocheague, the same to be laid out by commissioners provided for by the act; and it provided that by the first Monday in December, 1790, all offices attached to the seat of government of the United States should be removed (from New York) to Philadelphia, and there remain until the first Monday in December, 1800, on which day the seat of government of the United States should be transferred to the district and place aforesaid, and all offices attached to the said seat of government accordingly be removed thereto by their respective holders, and after said day cease to be exercised elsewhere.

The later act of Congress, that of 1791, amended the earlier act by providing that the whole of the contemplated district need not be located above the mouth of the Eastern Branch, but that a part of it might be located below the said limit and include, with other territory, the city of Alexandria, Va. On January 24, 1791, President Washington proclaimed a tentative location of the District by metes and bounds, and afterwards, on March 30, 1791, he proclaimed the metes and bounds as fixed in accordance with the act of Congress of that year. This latter proclamation located the District of Columbia as it existed until, in conformity with the act of Congress of July 9, 1846, the Virginia portion was retroceded to the State of Virginia, and from the date of this retrocession (which became an accomplished fact only upon the vote of the people of the county and town of Alexandria in manner prescribed by the act), the District of Columbia has consisted exclusively of the territory, about 64 square miles in extent, originally ceded by the State of Maryland. In accordance with the provisions of the act of Congress of April 24, 1800, which authorized the President to direct the removal of the offices of the Government to the District at any time that he might judge proper after the adjournment of the then present session of Congress, those offices were so removed, and the Government of the people of the United States made its permanent home on the banks of the Potomac.

I might, doubtless, in this presence have avoided going thus into detail, but I have had an object in so doing; for in order to indicate fully the matters entering into the political development of the District it is necessary for us to know at how many points the principles of political science have touched us in our birth and growth; for, odd as it may seem, the situation demands treatment from the top, instead of from the bottom, which latter is the natural and proper order, for as between local and inter-local law the former is naturally the first to be considered, and that form of inter-local law which we call international is the latest of all. Yet, as I am to deal with the political development of the District of Columbia as it now is, I must first get rid of so much of the District as formerly was but now is not. This demands a word as to the political make-up of the original District, and leads to a consideration first of inter-local or international law as bearing upon our subject.

It is a cardinal rule of international law that whenever there is a change of sovereignty only the laws of the territory subjected to the new sovereignty continue until duly changed by that sovereignty.

It is no exception to this rule to say that such laws may be changed by the treaty or other act occasioning the change of sovereignty, for this is the same as to say that the former laws are duly changed. In the original act of Maryland relating to the cession of its portion of the District of Columbia (the act of 1788) that State provided only that its representatives in Congress should cede "to the Congress of the United States" any district in the State not exceeding 10 miles square which Congress might fix upon and accept for the seat of government of the United States. But after the Territory of Columbia had been definitely located the general assembly of Maryland, by act of December 19, 1791, in addition to making sundry provisions in relation to the Territory in general and the city of Washington in particular, enacted specifically as follows:

That all that part of the said territory, called Columbia, which lies within the limits of this State shall be, and the same is hereby, acknowledged to be forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of Government of the United States: *Provided*, That nothing herein contained shall be so construed to vest in the United States any right of property in the soil, as to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States: *And provided also*, That the jurisdiction of the laws of this State over the persons and property of individuals residing within the limits of the cession aforesaid shall not cease or determine until Congress shall by law provide for the government thereof, under their jurisdiction, in manner provided by the article of the Constitution before recited.

Similarly, the State of Virginia, in making cession of its part of the original District, enacted:

That nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States: *And provided also*, That the jurisdiction of the laws of this Commonwealth over the persons and property of individuals residing within the limits of the cession aforesaid shall not cease or determine until Congress, having accepted the said cession, shall, by law, provide for the government thereof, under their jurisdiction, in manner provided by the article of the Constitution before recited.

As is thus apparent, the acts of Maryland and Virginia provided for the continuance in the two portions of the newly formed District of the laws of those States respectively until provision should be made by the Congress of the United States for the government of the District. And when Congress came to deal with the matter, duly observing the rule of international law above noted, and not being ready to make new law in the premises, it enacted as follows on February 27, 1801 (2 Stats., 103):

That the laws of the State of Virginia, as they now exist, shall be and continue in force in that part of the District of Columbia which was ceded by the said State to the United States and by them accepted for the permanent seat of government; and that the laws of the State of Maryland, as they now exist, shall be and continue in force in that part of the said District which was ceded by that State to the United States and by them accepted as aforesaid.

This enactment of Congress left the two portions of the original District where they were at the time of its creation, and but for the act of retrocession of the Virginia portion my task would be much enlarged. As it is, however, we have now to do with only the Maryland portion, and to that I ask your attention.

As you look at the map, you observe that where it washes the District of Columbia the Potomac River runs almost due south,

though with some bearing toward the east, and that the uppermost and lowermost points of the original square of the District are due north and south from one another; and that the present territory of the District is bounded on its eastern sides by the Maryland county of Prince George and on its northern and western sides by the county of Montgomery. So, also, you will observe that below the county of Prince George in Maryland lie the counties of Charles and St. Mary, and that all three of these counties, Prince George, Charles, and St. Mary, are situated between the Potomac River on the west and the Patuxent River on the east.

Originally the county of St. Mary was the only county of Maryland west of the Patuxent River, and in contemplation of law it comprised the whole of the State west of that stream. From April 23, 1696 (act of 1695, ch. 13), however, the northern boundary of the county was fixed by a line drawn from Bud's Creek on the Potomac to Indian Creek on the Patuxent, and the land above this line and as far up as Mattawoman and Swanson creeks and branches constituted the county of Charles, and all the land above Charles constituted the county of Prince George, so named because the 23d day of April is St. George's day. The present District of Columbia was, accordingly, at first wholly within this county.

In 1748 (act of 1748, ch. 14) it was provided that as of the date December 10 of that year there should be erected out of Prince George County a new county named in honor of Prince Frederick, son of George II, and "beginning at the lower side of the mouth of Rock Creek and thence by a straight line joining to the east side of Seth Hyatt's plantation to the Patuxent River." This new county embraced part of the present county and original city of Washington and all that part of the present city of Washington formerly known in law and still colloquially known as Georgetown; the remainder of the present District continuing in Prince George County.

On September 6, 1776, the revolutionary, or provincial, convention of Maryland erected out of Frederick County two other counties named, respectively, after Generals Washington and Montgomery, the boundaries of the latter beginning at the east side of Rock Creek and running thence with the Potomac River to the mouth of the Monocacy, thence to Par Spring, and thence with the line of the original Frederick County to the place of beginning. This, it is seen, threw Georgetown and part of the remainder of the present District into the new county of Montgomery, and thus at the time of the creation of the District of Columbia the Maryland portion, that is to say, all of the present District, comprised parts of Prince George and Montgomery counties.

The interest of this seemingly unnecessary detail lies in the fact that the beginnings of the local government of the District were in these respective counties, and the political development of the District starts with the institutions in existence therein. I regret that time forbids my giving you a complete picture of a Maryland county government in those early days, but I must forego the temptation to do so. I must, however, ask attention to some features of that government, for the reason that those features survived in the District until within a very few years, as we shall presently see.

Maryland, as we all know, was settled in March, 1634, upon the landing of the first emigrants at St. Mary. Those emigrants brought

with them the principles of law and government of the mother country and the charter of Maryland establishing a palatinate under the all but royal rule of Lord Baltimore. Again I must resist a temptation, the temptation, namely, to give you a glimpse of the system of manors and hundreds prevailing throughout the Province, and to tell you the very interesting story of the early assemblies of the freemen, their makeup, proceedings, and the rest. It must suffice, however, that I point out to you the fact that, in the absence of the lord proprietary of the Province, the general executive powers were vested in the governor or lieutenant-general, while the general legislative powers (subject to the approval of the lord proprietary and liable to the disapproval of the Crown) were vested in the general assembly of the freemen of the Province; and quite from the beginning there was a lord chief justice of the Province. The affairs of the Province were managed by these various officials and the assembly, but as early as the session of 1638–39 a system of government of the counties was inaugurated, and in this system began the local government of the District of Columbia.

For in March of that year, more than two hundred and sixty years ago, there was introduced into the assembly the bill out of which grew the Maryland county court, the predecessor in certain of its features of the levy court so familiar to those of us of the District who are not sensitive about our ages, for the levy court of the county of Washington and District of Columbia was a living body until the 1st day of June, 1871, less than twenty-eight years ago.

The bill so introduced into the assembly so many years ago, and which ultimately became a law, is a perfect illustration of the way in which all Anglo-Saxon institutions have grown up. You will recall that in the beginning of the English judicial system the King as the fountain of justice, was the ultimate judge, and that he first appointed justiciars or justices to aid him in his judicial work, and then, in the person of that very greatest of all English monarchs, Henry II, sent certain persons, constituted justices for that purpose, into the several shires or counties of England to hold court and administer justice for him. Similarly, our legal ancestors of Maryland, sitting in that early assembly at St. Mary in 1638–39, provided that all causes of a general nature should be heard in the several parts of the state in a county court by the chief justice of the Province for the time being, "or," as the bill read, "by and before such other commissioner or commissioners as the lord proprietary of this Province or the lieutenant-general shall authorize to hear and determine the same."

The bill further provided for a register to attend each session of the county court, and that "the said chief justice or commissioners for the time being and the said register shall be a court of record and shall be called the county court, and the said court shall or may have, use, exercise, and enjoy all or any the same or the like powers, privileges, authorities, and jurisdictions within this Province (in the cause aforesaid) as one of the King's courts of common law in England useth or may use and exercise within the realm of England (except where it is otherwise provided by any law of this Province)." To this court, or, more accurately, to the commissioners provided by the enactment, was committed the management of local affairs generally, including the making of levies for the public charges and expenses.

Not to go into unnecessary detail, it may be said generally that from this time forth it was the practice for the commissioners of the several counties, or of the several county courts, as they were indifferently styled in subsequent enactments, to make all necessary levies for the public charges and expenses and to administer the various county affairs. In some instances the levies were made upon the counties and in others upon the several hundreds within the counties, and in every instance the levy was upon the taxable freemen or upon such freemen and the "visible estates in the Province."

In later years the duties of the county commissioners in respect of the levies were performed by the justices of the peace, who had also been provided for at the same time as the county court; and by a gradual process, but one in entire harmony with the manner of growth of all institutions under our English system, the justices of the peace wholly supplanted the commissioners in the respect under consideration, until finally the meeting of the justices of the peace for the purpose indicated came to be designated as levy courts, and in 1794 (act of 1794, ch. 53) we find the assembly speaking of the levy courts as definitely established bodies, and providing that such courts may impose assessments for repairs of their court-houses and the county prisons, and for the erection and repair of bridges; and, further, that the justices of the peace in the respective counties, or any five of them, shall meet annually between the 1st of March and the 1st of October "to adjust the ordinary and necessary expenses of their several counties," and to levy the necessary and proper assessments in the premises; and finally, so far as we have to do with Maryland in the matter, in 1798 (act of 1798, ch. 34), it was enacted that seven justices of the peace of those annually commissioned should be commissioned by the governor and council as justices of the levy court in each county, and designated in their commissions as "justices of the levy court."

Accordingly, when on February 27, 1801, Congress assumed jurisdiction over the District of Columbia, its government was in the hands of such a levy court, or, speaking accurately, of two of such courts, one each for the counties of Prince George and Montgomery, except as to that portion of the District, or Montgomery County, as it then was, which was occupied by the town of Georgetown, for which, as we shall presently see, a separate municipal government had already been provided.

Again following the course of things under the English system, when Congress assumed jurisdiction over the present District of Columbia, which was created a county by the name of Washington (as the Virginia portion of the original District was created a county by the name of Alexandria), provision was made for the appointment by the President of officers familiar to the people of the territory, including the constituents of a levy court, namely, justices of the peace, and by act of March 3, 1801 (2 Stats., 115), it was specifically enacted:

> That the magistrates to be appointed for the said district shall be, and they are hereby, constituted a board of commissioners within their respective counties, and shall possess and exercise the same powers, perform the same duties, receive the same fees and emoluments as the levy courts or commissioners of county for the State of Maryland possess, perform, and receive; and the clerks and collectors, to be by them appointed, shall be subject to the same laws, perform the same duties, possess the same powers, and receive the same fees and emoluments as the clerks and collectors of the county tax of the State of Maryland are entitled to receive.

In accordance with this enactment the levy court of the county of Washington was organized and carried on its operations in accordance with the Maryland system. On July 1, 1812 (2 Stats., 771), Congress conferred certain specific powers upon the body, or "the board of commissioners or levy court for the county of Washington," as the language of the act is, and provided that thereafter the board of court should be composed of seven members to be designated annually by the President from among the existing magistrates of the county, two to be from the county east of Rock Creek and outside of the city of Washington, two from the county west of Rock Creek and outside of the city of Georgetown, and three from the city of Georgetown. "Taxation without representation" still pursued the city of Washington, for, while it had no representative in the levy court, it was required by the same act to bear one-half of all the general county expenses and charges other than those for roads and bridges. But in 1848 (9 Stats., 223, 230) this was righted by the provision by Congress for the appointment annually of four additional members of the court from the city of Washington, so that thereafter the court should consist of eleven members.

The act of August 11, 1856 (11 Stats., 33), authorized the court to appoint school commissioners, and provided fully for a system of schools in the county, prescribing the powers and duties of the levy court in relation thereto. By act of May 3, 1862 (12 Stats., 383), the court was given further specific powers, and the requirement that its members should be appointed from among the justices of the peace was repealed. And by act of May 3, 1863 (12 Stats., 799), entitled "An act to define the powers and duties of the levy court of the county of Washington, District of Columbia, in regard to roads and for other purposes," which was in effect a code in relation to the county, Congress made full provision for the court, defining accurately its jurisdiction and duties, and reducing the number of its members to nine, who were provided to be appointed by the President and confirmed by the Senate, and to hold office for three years; of the members to be first appointed one-third to be appointed for one year, one-third for two years, and one-third for three years, so that the body might be kept continuous and permanent.

There are several subsequent acts conferring certain powers on the court and regulating its action in given cases, but the character and importance of the court were in no wise affected thereby, and until its abolition, in 1871, it remained substantially as fixed by the act of 1863.

The character of this body can not be better stated than in the language of Mr. Justice Miller, of the Supreme Court of the United States, speaking for that court in the case of Levy Court *v.* Coroner (2 Wall., 501, 507–508), as follows:

> The levy court is the body charged with the administration of the ministerial and financial duties of Washington County. It is charged with the duty of laying out and repairing roads, building bridges, and keeping them in good order, providing poorhouses, and the general care of the poor, and with laying and collecting the taxes which are necessary to enable it to discharge these and other duties, and to pay the other expenses of the county. It has the capacity to make contracts in reference to any of these matters, and to raise money to meet these contracts. It has perpetual succession. Its functions are those which, in the several States, are performed by "county commissioners," "overseers of the poor," "county supervisors," and similar

bodies with other designations. Nearly all the functions of these various bodies, or of any of them, reside in the levy court of Washington. It is, for all financial and ministerial purposes, the county of Washington.

I have said that at the time Congress assumed jurisdiction over the District, and the levy court went into operation for the county of Washington as a separate territory, there had already been created a separate municipal government for Georgetown. The history of this government is not less interesting than that of the levy court.

Certain of the inhabitants of Frederick County having set forth in a petition to the assembly of Maryland that there was a convenient place for a town on the Potomac, above the mouth of Rock Creek, and praying that 60 acres of land might there be laid out and erected into a town, the assembly by act of June 8, 1751 (ch. 21), appointed seven commissioners to buy the necessary land and lay out the same in 80 lots, to constitute a town by the name of Georgetown. The act provided no government for the new town, which remained subject to the levy court of the county of Frederick, except that the commissioners were empowered to remove nuisances from the streets and alleys (sec. 13), and except also as appears in the following interesting breath from the past (sec. 12):

> And whereas it may be advantageous to the said town to have fairs kept therein, and may prove an encouragement to the back inhabitants and others to bring commodities there to sell and vend, *Be it enacted*, That it shall and may be lawful for the commissioners of the said town to appoint two fairs to be held therein annually, the one fair to begin on the second Thursday in April and the other on the first Thursday in October, annually, which said fairs shall be held each for the space of three days; and that during the continuance of such fair or fairs all persons within the bounds of the said town shall be privileged and free from arrest, except for felony and breach of the peace; and all persons coming to such fair or fairs, or returning therefrom, shall have the like privilege of one day before the fair and one day on their return therefrom; and the commissioners for the said town are hereby empowered to make such rules and orders for the holding of the said fairs as may tend to prevent all disorders and inconveniences that may happen in the said town and such as may tend to the improvement and regulating of the said town in general, so as such rules, except in fair time, affect none but livers in the said town or such persons or persons as shall have a lot or freehold therein, any law, statute, usage, or custom to the contrary notwithstanding: *Provided, always*, That such rules and orders be not inconsistent with the laws of this province nor the statutes or customs of Great Britain.

And as showing that the feudal system was not yet fully dead, witness the following further provision of this act (sec. 15):

> That all and every person and persons taking up and possessing the lots aforesaid, or any of them, shall be, and are hereby, obliged to pay unto the right honorable the lord proprietary, his heirs or successors, the yearly rent of one penny sterling money for each respective lot by them so taken up and possessed, to be paid in the same manner as his land rents in this province now are or hereafter shall be paid.

By act of December 26, 1783 (chap. 27), provision was made for Beall's addition to the town of 61 acres of the tract known as the Rock of Dumbarton, and by act of January 22, 1785 (acts of 1784, ch. 45), similar provision was made for Peter, Deakins, Beatty, and Threlkeld's addition of about 20½ acres of the several tracts bearing the attractive names of Frogland, Discovery, Conjuror's Disappointment, and Resurvey on Salop.

At last, on Christmas day, 1789 (ch. 23), the assembly incorporated the town, which by this time had fallen within Montgomery County. The act of incorporation is interesting in many particulars. Thus, in part imitation of the charter of London, the town as a body corporate was made to consist of a mayor, recorder, six

aldermen, and ten common councilmen, and was given the corporate name of "the mayor, recorder, aldermen, and common council;" and the act appointed by name the first mayor, recorder, and aldermen, leaving the common councilmen to be elected by a viva voce vote of the qualified freemen, and providing for the annual election of a mayor from among the aldermen and for filling vacancies in the several offices.

The recorder and all the aldermen and common councilmen were to hold office during good behavior; the recorder was always to be "a person learned in the law," and vacancies in the board of aldermen were to be filled by election from among the common councilmen. The mayor, recorder, and aldermen were constituted justices of the peace and given power to elect a sheriff and appoint constables and other necessary offices for the town, and were also required to hold a court to be called the mayor's court, the jurisdiction of which was specifically defined; and other municipal powers were granted to the corporation. By subsequent legislation (e. g., 1797, ch. 56; 1799, ch. 85), the tenure of the officers was limited in time, the limitation of the choice of mayor to be from among the aldermen was removed, additional powers were given the corporation, and the limits of the town were variously enlarged, altered and more clearly defined.

By its first act on the subject, that of March 3, 1805 (2 Stats., 332), Congress amended the charter of Georgetown by providing that after the second Monday in March of that year the corporation of the town should be divided into two branches, the first to be composed of five members and a recorder, and called "the board of aldermen," and the second to be composed of eleven members and called "the board of common councilmen," all to be elected. The first election was provided to be by the then existing members of the corporation, who should choose five of their number to compose the board of aldermen, the remainder to be the board of common councilmen and all to remain in office until the fourth Monday of February following. The then recorder was to be president of the board of aldermen until the same day, and the then mayor to remain in office until the first Monday of January following. For the future, aldermen and common councilmen were to be elected by the people, the former for two years and the latter for one year; while the two branches by joint ballot were annually to elect a mayor and recorder, the latter still to be a "person learned in the law." The act defined the powers and territorial jurisdiction of the corporation, provided for the filling of vacancies in the several offices, and contained other useful provisions.

Finally, by act of May 31, 1830 (4 Stats., 426), Congress provided for the election of the mayor by the people on the same day as the councilmen were chosen, and fixed the tenure of his office at two years; and provided for filling a vacancy in the office by the two branches until the next regular election. And, in the meanwhile, by the act of May 20, 1826 (4 Stats., 183), Congress had deprived the levy court of the county of Washington of the power to assess any tax in Georgetown, so that the latter city from this time on stood as a quite fully equipped and independent municipal corporation, retaining its powers until 1871, and its separate name until the passage of the act of 1895, hereafter to be noticed.

Turning now to the city of Washington, it has already been pointed out that Congress effectively assumed jurisdiction over the District

of Columbia by the act of February 27, 1801 (2 Stats., 103). At that time there was, of course, no such thing as a corporation of the city of Washington; nor was there until after the passage of the act of Congress of May 3, 1802 (2 Stats., 195). By the act for establishing the temporary and permanent seat of government of the United States, approved July 16, 1790 (1 Stats., 130), a board of three commissioners was provided for, which board was charged with the duty of surveying, defining, and limiting the district to be accepted for the permanent seat of government, and providing suitable government buildings. These officials were called in the later act of April 24, 1800 (2 Stats., 55), "the commissioners of the city," and were recognized as being in effect intrusted with the affairs of the city in general. By act of Congress of May 1, 1802 (2 Stats., 175), this board of commissioners was abolished and the affairs of the city of Washington, which had heretofore been under the care and superintendence of the said commissioners, were put under the direction of a superintendent, to be appointed by and to be under the control of the President of the United States; which superintendent was vested with the powers and charged with the duties formerly vested with or required to be performed by the said commissioners by virtue of any act of Maryland or of Congress, or the deeds of trust from the original proprietors of the lots in the city, or in any other manner whatsoever.

By act of April 29, 1806 (3 Stats., 324), the office of this superintendent was abolished and its powers and duties, as also the duties of the earlier board of three commissioners, were devolved upon one commissioner, thereafter known as the "commissioner of public buildings;" and by act of March 2, 1867 (14 Stats., 466), the office of this commissioner was in turn abolished and those powers and duties devolved upon the Chief of Engineers of the Army.[a]

By the act of May 3, 1802 (2 Stats., 195), Congress provided that the inhabitants of the city of Washington should be a corporation "by the name of a mayor and council of the city of Washington," and that the city should be divided into three divisions or wards, as then divided by the levy court, with power in the council to increase the number of wards in its wisdom.

The council was provided to consist of twelve members, elected annually by the qualified voters, and when elected the twelve were to choose from their number by joint ballot five to constitute the second chamber, the remaining seven to constitute the first. The mayor was provided to be appointed annually by the President of the United States, and the corporation was given usual municipal powers. A somewhat unique provision was "that the by-laws or ordinances of the said corporation shall be in no wise obligatory upon the persons of non-residents of the said city, unless in cases of intentional violations of bye-laws or ordinances previously promulgated." By its terms and in imitation of the very wise practice of the State of Maryland at the time the act was limited in force to two years and to the end of the next session of Congress thereafter. By the supplementary act of February 24, 1804 (2 Stats., 254), the original act was continued

[a] A complete and accurate account of the creation of the city of Washington as the federal city, including a full exposition of the manner in which and the terms on which the lands for the purpose were conveyed to the original commissioners, may be found in the opinion of the Supreme Court of the United States in the case of Morris *v.* United States (commonly called the "Potomac Flats case"), decided May 1, 1899 (174 U. S., 196).

in force for fifteen years from the end of the next session of Congress; certain additional powers were given to the corporation; the levy court was deprived of the power to impose any tax upon the inhabitants of the city, and the constitution of the councils was changed by provision that future councils should consist of two chambers of nine members each, to be chosen by distinct ballots, and that any vacancy should be filled by the chamber in which it should happen by an election by ballot from the three persons next highest on the list to those elected at the preceding election.

The charter of the city was radically changed by the act of May 4, 1812 (2 Stats., 721). By the terms of this act, after the first Monday of June of that year the corporation was composed of a mayor, a board of aldermen, and a board of common council, and its corporate name was "the mayor, aldermen, and common council of the city of Washington." There were eight aldermen, two from each ward, and twelve common councilmen, three from each ward, and all were elected by ballot by the qualified voters, the former for two years and the latter for one year. The mayor was elected annually by ballot by the two chambers in joint meeting, and in case of three ballots without an election he was to be chosen by lot.

Quite full municipal powers were given the corporation, including the power to pass all laws necessary for carrying into execution the powers specifically conferred upon and vested in the corporation, whether by the act itself or any former one. Among the powers specifically conferred by the act was that "to authorize the drawing of lotteries for effecting any important improvement in the city, which the ordinary funds or revenues thereof will not accomplish: *Provided*, That the amount to be raised in each year shall not exceed the sum of ten thousand dollars: *And provided also*, That the object for which the money is intended to be raised shall be first submitted to the President of the United States and shall be approved by him." This act was amended February 20, 1819 (3 Stats., 485), providing for tax sales, and by act of February 28, 1820 (3 Stats., 543), it was extended to March 3, 1821, unless sooner repealed.

The act of May 15, 1820 (3 Stats., 583), was still more thorough. It repealed all former enactments so far as inconsistent with its provisions; continued the corporation under its later name; granted many new powers; made elaborate provisions respecting tax sales; prohibited any tax upon property in the city by the levy court, and limited the contributions by the corporation to the expenditures of that court; and made specific provisions for the division of the city into wards. For the first time the mayor was to be elected by the people, and he was to be chosen every second year, and, as before, there were to be two aldermen chosen from each ward for two years and three common councilmen from each ward for one year. The act was limited in duration to twenty years, or until Congress should by law determine otherwise.

An interesting and important provision of this act, foreshadowing the existing division of expenditures between the United States and the District, is section 15, as follows:

> That the commissioner of the public buildings, or other person appointed to superintend the United States disbursements in the city of Washington, shall reimburse to the said corporation a just proportion of any expense which may hereafter be incurred in laying open, paving, or otherwise improving any of the streets or avenues

in front of or adjoining to, or which may pass through or between, any of the public squares or reservations, which proportion shall be determined by a comparison of the length of the front or fronts of the said squares or reservations of the United States on any such street or avenue with the whole extent of the two sides thereof; and he shall cause the curbstones to be set and footways to be paved on the side or sides of any such street or avenue whenever the said corporation shall, by law, direct such improvements to be made by the proprietors of the lots on the opposite side of any such street or avenue, or adjacent to any such square or reservation; and he shall cause the footways to be paved and the curbstones to be set in front of any lot or lots belonging to the United States when the like improvements shall be ordered by the corporation in front of the lots adjoining or squares adjacent thereto; and he shall defray the expenses directed by this section out of any moneys arising from the sale of lots in the city of Washington belonging to the United States, and from no other fund.

A supplementary act was passed May 26, 1824 (4 Stats., 75), providing more fully for tax sales, and providing also (by sec. 14) for the removal of nuisances from lots belonging to the United States, at the expense of the United States, to be defrayed out of moneys in the hands of the city commissioner from the sale of public property in the city.

The last general act of Congress in relation to the corporation of Washington is that of May 17, 1848 (9 Stats., 223), entitled "An act to continue, alter, and amend the charter of the city of Washington." This act provides for continuing in force for the term of twenty years from its date, or until Congress should by law determine otherwise, the acts of May 15, 1820, and May 26, 1824, "and the act or acts supplemental or additional to said acts which were in force on the fourteenth day of May, eighteen hundred and forty, or which may, at the passing of this act, be in force." The act deals largely with the levy and collection of taxes; provides for the election of a board of assessors, a register, a collector and a surveyor; and prescribes more fully the qualifications of electors and the jurisdiction, duties, and tenure of office of justices of the peace. Sections 12 and 13 of the act are of especial interest as dealing further with the duty and liability of the General Government in respect of opening streets and repairing pavements and highways. In view of the popular error that Congress is doing a generous thing by the District in sharing expenses with it, these two sections should be read in full. They are as follows:

That the commissioner of public buildings, or other officer having charge and authority over the lands and property of the United States lying within the city of Washington, shall from time to time cause to be opened and improved such avenues and streets, or parts or portions thereof, as the President of the United States, upon application of the corporation of the said city, shall deem necessary for the public convenience, and direct to be done; and he shall defray the expenses thereof out of any money arising, or which shall have arisen, from the sale of lots in the city of Washington belonging, or which may have belonged, to the United States, and from no other fund. And it shall be the duty of the said commissioner, or other United States officer, as aforesaid, upon the application of the mayor, to repair and keep in repair the pavements, water gutters, waterways, and flag footways which have been made or shall be made opposite or along the public squares, reservations, or other property belonging to the United States; as also, on like application, to repair and keep in repair such streets and avenues, or parts thereof, as may have been, or shall hereafter be, opened and improved by the United States; the expense of all such repairs to be paid out of the fund before mentioned.

That the commissioner of public buildings be, and he is hereby, required to perform the duties required of the city commissioner by the fourteenth section of the act of the twenty-sixth of May, eighteen hundred and twenty-four, supplementary to the act of the fifteenth of May, eighteen hundred and twenty, incorporating the inhabitants of

the city of Washington. And it shall be the duty of the commissioner of public buildings, within ninety days after the sale of any lots or squares belonging to the United States in the city of Washington, to report the fact to the corporation of Washington, giving the date of sale, the number of the lot and square, the name of the purchaser or purchasers, and the said lots or squares shall be liable to taxation by the said corporation from the date of such sale. And no open space, public reservation, or other public ground in the said city shall be occupied by any private person or for any private purposes whatever.

With a few alterations, all appertaining to detail and none affecting the general scheme of the government, the charter of the city of Washington remained to the end substantially as the act of 1848 left it.

There were thus for some years side by side in the District three separate municipal governments, the corporation of Washington, the corporation of Georgetown, and the levy court. Each of these governments had and exercised the power of making ordinances and laws, and there accordingly existed at the same time one set of such ordinances or laws for Washington, another set for Georgetown, and a third set for the county. Perhaps no greater anomaly than this can be presented for a territory of 64 square miles, especially when it is considered that this territory is the seat of Time's latest and best offspring in the way of government; and I am constrained to wonder what the Puritan forebears of sturdy New England would have thought could they have come to life so lately as within the past quarter of a century to find that the same act committed on the same Sunday would have met with one punishment in Georgetown, another in the county, and none at all in Washington. Yet this very fact, for fact it is, is the highest possible testimonial to the conservatism which characterizes the origin and growth of law and institutions in our English system; the conservatism which has made us and our kin beyond the sea the foremost in the universal brotherhood now happily becoming so generally recognized.

In the growth and administration of these three municipalities, helped along by the oversight of the federal power, there of course came into being as occasion required the needful detail agencies of government—courts greater and smaller, judicial and fiscal officers, surveyors, school officials, boards of health, constabularies, and the like. And although our institutions were thus growing and being added to in strict conformity to the principles of the distinction between federal and local government which underlies the whole American system, there was at the same time coming more and more into play the other seemingly inevitable principle, so far as result is concerned, that the national must and will to a great extent override the local, and the general must and will supplant the particular.

This was first manifested in the establishment of courts and judicial officers and general laws, of jurisdiction and authority extending throughout the District; but, as is so often the case, it was reserved for the stress of war to occasion the first comprehensive step in the way of unity, at first seeming radical but in the end coming to be recognized as so natural as to make the wonder to be that it was so long delayed.

This first step is to be found in the act of Congress of August 6, 1861 (12 Stats., 320), forming the cities of Washington and Georgetown and the county outside of the limits of those cities—in a word, the entire District—into "The Metropolitan Police District of the District of Columbia." There was provided for this police district a board

of commissioners of police, consisting of the mayors of Washington and Georgetown and five other members, three from Washington, one from Georgetown, and one from the county, to be appointed by the President by and with the advice and consent of the Senate; which board was vested with the police powers to be exercised throughout the District, including the preservation of the peace, the prevention of crime and arrest of offenders, the protection of rights of person and property and the public health, and the enforcement of the laws generally applicable to matters of police.

A police force was established, possessing in every part of the District the common-law and statutory police powers of constables, and provision was made for the division of the District into police precincts, with convenient station houses, for the more efficient administration of the police power, and a superintendent was created to act as "the head and chief" of the force, subject to the orders and regulations of the board. The several municipalities were stripped of the police power as such, and the existing constabularies were abolished. The initial act was several times amended and supplemented, but in the main the police system as originally devised remains to this day.

This was, in the beginning, not a popular departure from the old system, but its wisdom was soon abundantly manifested; and it is, perhaps, not too much to say that a more necessary and, in the result, a more justifiable step was never taken, for the possibilities of the situation, had the old system been left in operation, are difficult, if not impossible, of exaggeration.

The establishment of the Metropolitan police district bore, within less than a decade, fruit not looked for at the planting; for by act of February 21, 1871 (16 Stats., 419), Congress created the whole of the District "into a government by the name of the District of Columbia."

The corporations of Washington and Georgetown and the levy court, and all the offices appertaining thereto, were abolished at the date of June 1, 1871, although all the ordinances and laws of the two corporations and the levy court not consistent with the act were continued in force in their respective territories until modified and repealed by Congress or the legislative assembly created by the act, and the powers of the levy court were continued for certain purposes. The new corporation, the District of Columbia, was made successor to the municipal bodies which were abolished, and vested with all the property of those bodies. The government of the District was vested in a governor, a secretary, and a council of eleven, two from Georgetown, two from the county, and the rest from Washington, all to be appointed by the President by and with the advice and consent of the Senate, and a house of delegates, twenty-two in number, to be elected by the people.

The governor and the secretary were to hold office four years, the members of the council two years, and the delegates one year. The first council was to be divided into a one-year class of five and a two-year class of six, and afterwards all were to be appointed for two years. It is interesting to note, as in the case of the latest legislation respecting the constitution of the levy court, the persistence of this principle, first applied in the case of the United States Senate.

Besides these general municipal officials, the act provided a board of health and a board of public works and gave the District the only

direct representation which it has ever had in Congress, in the person of a Delegate to the House of Representatives to have the same rights and privileges as Delegates from the Territories, and, besides, to be a member of the Committee on the District of Columbia. The board of public works was provided to consist of the governor and four citizens and residents of the District, to be appointed by the President and Senate for four years, of whom one was to be from Georgetown, one from the county, and one a civil engineer.

This board was given entire control of and authorized to make all regulations which it should deem necessary for keeping in repair the streets, avenues, alleys, and sewers of the city (its powers were extended to the county by the legislative assembly), and all other works which might be intrusted to it by the legislative assembly or Congress. The principle of division of expense between the United States and the District was again recognized here, as in the further provision of the act that all officers to be appointed by the President were to be paid by the United States and all others to be paid by the District for their services.

An interesting provision of the scheme, though one that was never acted upon, indicates the extent to which the principle of local government in local affairs still held sway, for it was provided by the act that the legislative assembly might divide the portion of the District outside of the cities into townships, not exceeding three, and create township officers and prescribe their duties, but that all township officers should be elected by the people of the townships respectively.

The supreme court of the District of Columbia, in the case of Roach *v.* Van Riswick (MacA. and M., 171, decided November 18, 1879), held that much of this act, so far as it concerned the legislative assembly, was unconstitutional and void, for the reason that Congress had no power to delegate general legislative authority to the local government of the District, but could give that government only such powers as might properly be conferred upon a municipal corporation; a decision which may yet be brought under review, to somebody's disaster, as I think; for it seems to me clearly wrong, seeing that the Constitution only gave Congress the potential right of jurisdiction over the District, and that it was Maryland, the sovereign of the territory, that "ceded and relinquished" that territory—not delegated any powers—"to the Congress and Government of the United States, in full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon." This is not delegation; it is absolute cession of territory and abdication of all rights therein, and the successor to territory and all rights therein is surely under no hamper of delegated authority.

The fate of the territorial government, as it is generally called, is too freshly in mind to call for extended comment; and it suffices to say that between the riot of extravagance of the board of public works and the orgy of suffrage, which some of our good citizens long to have restored, that government, after a fevered life of a little more than three years, deservedly fell. And its fall ushered in what I hope is to be the last stage of the District's political development.

When Congress could no longer endure its creature of 1871, it enacted, on June 20, 1874 (18 Stats., 116), that all provisions for an executive, secretary, legislative assembly, board of public works, and

Delegate to Congress from the District should be repealed (saving the term of office of the then sitting Delegate), and that for the time being, and until otherwise provided by law, the government of the District should be committed to a board of three commissioners to be appointed by the President and Senate and vested with all the powers formerly belonging to the governor and board of public works, except as otherwise provided by the act; and that the powers of the chief engineer of that board should be exercised by an officer of the Engineer Corps of the Army of the United States, to be detailed by the President.

In addition, a board of audit, consisting of the First and Second Comptrollers of the Treasury was provided, with the authority and duty to audit all claims growing out of the acts of the board of public works in the execution of its "comprehensive plan of improvements," the cost of which the District is yet paying and to pay through the medium of the familiar and much-to-be-desired 3.65 bonds.

After a four years' trial of this form of government for the District, Congress very wisely decided to make it, with certain improvements, permanent, and on June 11, 1878 (20 Stats., 102), passed the act under which, as amended and supplemented from time to time, we now live. The government of the District under this legislation, which at the outset I made bold enough to speak of as the best possible for a municipality, may be generally described as follows:

The powers and authority of government are lodged in a board of three commissioners, two of whom are civilians, citizens of the United States, and actual residents of the District of Columbia for three years before their appointment and having, during that period, claimed residence nowhere else. These two commissioners are appointed for three years by the President and Senate, and the third is an officer of the Corps of Engineers of the United States Army whose lineal rank is above that of captain, although the President may, in his discretion, detail for this duty a captain of fifteen years' service. This board of commissioners has all the powers and authority formerly belonging to the governor and board of public works of the District, and is, besides, vested with the powers and authority formerly belonging to the boards of police, health, and public schools. It has the power of appointment and removal of all the officers provided for the administration of the municipal affairs, may abolish any office, and may consolidate any two or more offices. Within the limitations of law on the subject, it fixes the rate of taxation, which, however, is applied to assessments of value made by a board of assessors of its own appointing, which latter board acts also as an excise board for the granting and regulating of liquor licenses.

Besides its more purely executive powers, into the details of which it is unnecessary to go, the board of commissioners has large powers of a legislative nature, as the powers to make and enforce building and coal regulations (20 Stats., 131), police regulations (24 Stats., 368; 27 Stats., 394), elevator regulations (24 Stats., 580), regulations for public safety on bridges (27 Stats., 544) and in theaters (27 Stats., 394), regulations for the location and depths of gas mains (27 Stats., 544), plumbing regulations (27 Stats., 21), regulations relative to medical and dental colleges (29 Stats., 112) and regulations for the occupation of sidewalks and street parkings (30 Stats., 570), and the platting of subdivisions of land (25 Stats., 451). It has also the power

to order the erection of fire escapes (24 Stats., 365), to order work in the nature of special improvements at the cost, in part, of the adjoining property owners (26 Stats., 296, 1066; 28 Stats., 247), and to condemn lands for sites for school, fire, and police buildings and rights of way for sewers (26 Stats., 302); to constitute or appoint to various boards and institutions, as, to fill vacancies in the board of trustees of Columbia Hospital (27 Stats., 551), to appoint dental examiners (27 Stats., 42), and a board of medical supervisors and boards of medical examiners (29 Stats., 198), to appoint trustees of the Free Public Library and Reading Room (29 Stats., 244), and trustees for the Industrial Home School (29 Stats., 410), and to appoint a board for the licensing of plumbers and gas fitters (27 Stats., 21; 30 Stats., 477). It also has the power to grant pardons for offenses against the laws of Washington, Georgetown, the levy court, and the legislative assembly, and against the police and building regulations (27 Stats., 22). That a body of three American citizens, mixed civil and military, vested with so numerous, varied, and large powers exercises them with so little irritation and so little just cause of complaint is surely a high tribute to the American character, just now so much in evidence throughout the world, and just now taking on so many new responsibilities, to which, it goes without saying, it will prove fully adequate.

One of the most interesting features of our local government needs yet to be noticed—the feature of its cost. The commissioners annually submit to the Secretary of the Treasury estimates of the expenses of the government of the District for the fiscal year beginning the 1st day of July following. The Secretary of the Treasury passes upon these estimates and sends to the commissioners a statement of the amount approved by him, and this statement and their own original estimates the commissioners transmit to Congress; and to the extent to which Congress approves of the estimates it appropriates one half and the remaining half is levied upon the taxable property and privileges in the District other than the property of the United States and the District of Columbia; but the rate of taxation in any one year can not exceed $1.50 on every $100 of real property and personal property not taxable elsewhere, or $1 on the hundred for agricultural property.

What I wish especially to be noticed in this connection is the oftmentioned division of expense between the United States and the District. As we have seen, Congress took notice of this principle in the act of 1820, relating to the corporation of Washington, and in its act of 1848 on the same subject gave the principle more specific and extended application. In short, the principle may be said to have existed from the first; and with good reason, seeing that the District was established primarily for the purposes of the National Government and that that Government is the owner of quite half of all the property here with which governmental agencies as the fruit of taxation are concerned, as in protection against fire and theft, water supply, etc. Moreover, the National Government always bore its due share of the cost of street improvements, etc., adjoining its properties and for long bore exclusively the cost of the fire service and almost exclusively the cost of the water service in the District. All in all, if either party to the double government of the District

ought to be favored in the matter of expense it is the local and not the National Government.

I have expressed the hope that this latest phase of our political development will be its last. If not this, it seems destined to be the last for some time to come, in view of the light in which it is regarded by the Supreme Court of the United States. In Eckloff *v.* District of Columbia (135 U. S., 240, 243–244), that court, speaking of the act of 1878, says:

> The court below placed its decision on what we conceive to be the true significance of the act of 1878. As said by that court, it is to be regarded as an organic act, intended to dispose of the whole question of a government for this District. It is, as it were, a constitution for the District. It is declared by its title to be an act to provide "a permanent form of government for the District." The word permanent is suggestive. It implies that prior systems have been temporary and provisional. As permanent it is complete in itself. It is the system of government. The powers which are conferred are organic powers. We look to the act itself for their extent and limitations. It is not one act in a series of legislation, and to be made to fit into the provisions of the prior legislation, but it is a single complete act, the outcome of previous experiments, and the final judgment of Congress as to the system of government which should obtain. It is the constitution of the District, and its grants of power are to be taken as new and independent grants, and expressing in themselves both their extent and limitations. Such was the view taken by the court below, and such we believe is the true view to be taken of the statute.

The last act in what may be termed the unification of the District was the passage by Congress of the law of February 11, 1895 (28 Stats., 650), abolishing the city of Georgetown and its name, repealing all of its general laws, regulations, and ordinances, and extending to it all general laws, regulations, and ordinances of the city of Washington. And by an agency more effective than the most solemn statute, namely, the usage of the people, the further result has been accomplished that to all practical intents and purposes, and in the eyes of the nation at large, the entire District now passes by the name of the Father of our Country, originally given to our city, but which, like the illustrious character from whom it was taken, has drawn to itself its whole environment.

And the political development of the District of Columbia suggests to me the plan of this beautiful city of ours, not built upon an uninviting plain and not laid out in exclusively right lines, but set in an environment of rare attractiveness; with its system of wide streets overlaid by intersecting avenues which break the otherwise mathematical stiffness of its thoroughfares, and set with beautifying and refreshing parks unrivaled by any intraurban park system of the world So with our political growth and development; beginning with the simple institution of the levy court, taking up as occasion required the forms of municipal government felt to be adapted to the situation from time to time, and finally taking the form of a wisely conceived and skillfully constructed scheme of local government, and yet all the while under the play of the essentially American distinction between the national and local systems. While on every hand we find statutory provisions, with their artificiality of conception and rigidness of expression, we yet meet at every point the freer action of those natural and more elastic elements of usage, tradition, and fundamental principles which are at the bottom of all things English and out of which only all true law and political development spring and grow.

While we find everywhere minute regard for the local, as in the case of the levy court and the simple forms of municipal government of the cities, we are everywhere also brought face to face with the national, as in the original commissioners of the city, the superintendent of the city, the commissioner of public buildings, the Chief of Engineers of the Army, the Metropolitan police, and the board of public works. And, strangest of all, at the very heart of a nation grounded in the notion of "government of the people, by the people, and for the people" we see from the beginning the almost aggressive expression of distrust of the popular vote, the absence of which has so often been remarked as the most striking feature of the government of the capital. Thus always the levy court was in its personnel the creature of the President and Senate, while for long the mayors of the cities were either the choice of the President or of the vote of the people only when filtered through the aldermen and councils. Anomalous enough this seems; but how much more anomalous is it that in the existing and best form of government of the District yet devised, local suffrage is wholly eliminated and that the only real guarantee of local participation in government is the residence qualification of the civilian commissioners. Food for thought there surely is in this, and an irresistible suggestion to turn again and again to those words of President Monroe which I read to you in the outset.

But who shall be heard to complain of any of this when we look about and see the result as shown in our beautiful and orderly city? Beautiful in its topography, plan, and embellishment, and orderly beyond all other cities; rich in wealth and richer still in intelligence; the very Mecca of the patriotism and intellect of the country; the site of the great public institutions of our land and the depository of its priceless archives and scientific and literary collections, which are at once the possession and the pride of the people of the whole nation; in a word, truly the city of Washington—Washington, who has been aptly characterized as "the greatest of good men and the best of great men," and of whom the soundest of English historians, John Richard Green, has truly said that "no nobler figure ever stood in the forefront of a nation's life," and that men learned to cling to him "with a trust and faith such as few other men have won, and to regard him with a reverence which still hushes us in the presence of his memory." To Patrick Henry in 1795 he spoke one dear wish of his heart in the memorable words, "I want an American character:" and in his will, devising a portion of his property for the founding of a national university here, he expressed his "ardent wish to see a plan devised on a liberal scale, which would have a tendency to spread systematic ideas through all parts of this rising empire, thereby to do away with local attachments and state prejudices, as far as the nature of things would or indeed ought to admit, from our national councils." If you seek Washington's true monument, look upon your ideal city, at once the training school of the American character and the university of his dream.

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